



Frequently Asked Questions regarding Group Homes

Contact Planning Division for more information at (714) 754-5245

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1. What is a group home?

A group home is a residential facility that provides primarily nonmedical resident services to individuals. A group home provides 24-hour care, supervision, and/or services to a specific group (i.e. children, seniors, recovering alcoholics or drug addicts, individuals with disabilities). A residential care facility and a residential service facility are both group homes.

A boarding house or a group of people living in a home as a "single housekeeping unit" are not considered a group home in the Costa Mesa Municipal Code (CMMC).

2. What is the difference between residential care facility and residential service facility?

The CMMC defines a residential care facility as being licensed by the State where care, services, or treatment is provided to persons living in a community residential setting. Examples of this type of facility are a board and care for the elderly or an alcohol and drug treatment program.

The CMMC defines a residential service facility as not being licensed by the State and the operators provide to the residents personal services, in addition to housing. An example of this type of facility is a sober living program.

3. What types of group homes are allowed in single-family residential neighborhoods (R1 zone)?

Both residential care facilities and residential service facilities serving six or fewer persons are permitted by right in the R1 zone.

4. What are the licensing requirements?

California law requires certain group homes to be licensed. The most common licensed residential care facilities include the following:

- The State Department of Social Services (CDSS) is responsible for licensing and oversight of community care facilities, which are facilities where nonmedical care and supervision are

provided for children or adults in need of personal services, residential care facilities for the elderly and residential care facilities for the chronically ill.

- The State Department of Drug and Alcohol Program (ADP) licenses facilities serving six or fewer persons that provide residential non-medical services to adults who are recovering from problems related to alcohol or drugs and need treatment or detoxification services.

Residential service facilities are not required to be licensed. For example, no licensing is required for “supportive housing”, and independent living facilities with “community living support services”, or “sober living” recovery homes providing group living arrangements for people who have graduated from drug and alcohol programs, but do not provide care or supervision to those individuals.

5. Does State law include any separation requirement between group homes or overconcentration standards for group homes?

CDSS must deny an application for certain group homes if the new facility would result in “overconcentration”. Specifically, community care facilities, intermediate care facilities, and pediatric day health and respite care facilities cannot be located within 300 feet of each other. Congregate living health facilities must be separated by 1,000 feet.

The separation requirement does not apply to residential care facilities for the elderly, drug and alcohol treatment facilities, foster family homes, or “transitional shelter care facilities”, which provide immediate shelter for children removed from their homes.

The City has a separation requirement for court referral facilities which is discussed below.

6. What are the City’s zoning regulations on group homes?

State law pre-empts local regulation on group homes that serve six or fewer persons (not including staff/care taker), with the exception of court “referral” facilities that involves the criminal justice system. This reflects the State’s policy to move away from institutional care and to treat individuals with mental and/or physical handicaps in residential settings. State law requires that group homes of six or fewer residents be regulated in the same manner as single-family residences for zoning purposes. Consequently, the City’s Zoning Code permits group homes (residential care facilities or residential service facilities) that serve six or fewer persons in all residential zones. However, all group homes must comply with all City laws that are enforced for single-family homes such as noise, parking of vehicles, overall property maintenance, use of garage, etc.

The CMMC defines “referral facility” as a residential care facility or residential service facility where one or more person’s residency in the facility is pursuant to a court order or a directive from an agency in the criminal justice system. Referral facility does not include any residential care facility containing six or fewer residents that is required to be treated as a single-family residential use by State law. The CMMC prohibits referral facilities in the R1 (single-family residential) and PDR-LD (planned development residential – low density) zones and requires approval of a conditional use permit (CUP) in the multiple-family residential zones (R2-MD, R2-HD, R3, PDR-MD, and PDR-HD) and in the general business district (C2). The minimum standards applicable to referral facilities include a 500-foot separation from low density residential areas, school, park, place of worship, or licensed day care facility. Additional standards apply and can be found in the Zoning Code.

7. When is a conditional use permit (CUP) required?

Approval of a CUP is required for any residential facility serving seven or more persons or for a court referral facility regardless of the number of persons to be served. A CUP is a discretionary permit requiring public notification and public hearing before the Planning Commission. If approved, conditions are included to ensure compatibility of approved land use with surrounding properties. Residential

facilities of seven or more and referral facilities may be located in multiple-family residential zones and are prohibited in the R1 and PDR-LD zones.

8. Do these facilities need a business license?

A business license is required for residential facilities serving seven or more persons, but it is not required for facilities serving six or fewer persons.

9. Which City Departments do I contact if I experience disturbance issues with a group home in my neighborhood? A Zoning violation?

The Costa Mesa Police Department can respond to any disturbance complaints in the City after normal business hours. The phone number to contact is (714) 754-5252.

The Code Enforcement Division can respond to issues with noise, property maintenance, use of garage, or any other Zoning violations. The phone number to contact is (714) 754-5623.

CDSS and ADP can investigate complaints regarding licensed facilities. The links to these State departments are provided below.

10. Where can I find a list of existing group homes in my community?

Since not all residential facilities are required to be licensed and facilities that serve six or fewer are treated like any other single-family residence, there is not a complete list of all existing group homes.

The following websites provide information and list of existing licensed facilities:

California Department of Social Services (CDSS), Community Care Licensing Division (CCLD):
www.cclid.ca.gov

California Department of Alcohol and Drug Programs (ADP):
www.adp.ca.gov

11. What are the definitions of terms used for other residential uses?

In addition to residential care facility and residential service facility, which are defined in no. 2 above, the CMMC defines the following residential uses:

Single Housekeeping Unit

The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses. The CMMC permits this use in any residential zone.

Small Boardinghouse

A dwelling which is designed or used to accommodate a maximum of three guests, where guestrooms are provided in exchange for an agreed payment of a fixed amount of money or other compensation based on the period of occupancy. The CMMC permits this use in any residential zone.

Large Boardinghouse

A dwelling which has all of the characteristics of a small boardinghouse and which accommodates four or more guests. Large boardinghouse includes, but is not limited to, a residence for a sorority or fraternity. The CMMC prohibits this use in the R1 and PDR-LD zones and requires approval of a CUP in all other residential zones.